Annual Report
1990–91

Saskatchewan Legal Aid Commission

92-05046/

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Minister of Social Services

SASKATCHEWAN

Legislative Building
Regina, Saskatchewan S4S 0B3
(306) 787-3661

Her Honour
The Honourable Sylvia O. Fedoruk
Lieutenant Governor of the
Province of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan
S4P 3V7

May it please Your Honour:

I have the honour to submit the Annual Report of The Saskatchewan Legal Aid Commission for the fiscal year ended March 31, 1991.

Janice MacKinnon

Janice MacKinnon
Minister of
Social Services

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Saskatchewan
Legal Aid
Commission

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The Honourable Janice MacKinnon,
Minister of Social Services,
Legislative Building,
Regina, Saskatchewan,
S4P 3V6.

Dear Madam:

It is my pleasure to forward to you the Seventeenth Annual Report of The Saskatchewan Legal Aid Commission in accordance with Section 38(1) of **The Legal Aid Act**, depicting the affairs of the Commission in the 1990/91 fiscal year.

Respectfully submitted,

Donald R. Morgan, Q.C.,
Chairman.

Overview of The Saskatchewan Legal Aid Commission

In the 1990/91 fiscal year, we received a legislative appropriation of $6,826,500. This represents a 3.1% increase over the previous year. The increase was sufficient to maintain present staff positions and made no allowance for increased caseload or broadening the legal aid program.

Our caseload increased from 21,569 to 22,698 cases. The increase in caseload over the last two years created extreme problems within some area offices and the Commission approached the Department of Social Services for additional funding to allow the appointment of four temporary staff persons. The staff persons were hired and the pressure was to some extent alleviated. During the remainder of the fiscal year, restraint was applied in all other areas and the Commission was able to absorb the increase in cost. The Commission is grateful to the Department for their commitment which enabled us to respond to the crisis.

The representative of the Department of Justice, James Benning was replaced with Betty Ann Pottruff following Mr. Benning leaving the Department. Commissioner Paulette Van der Linde resigned on January 31, 1991. Vacancies have been filled by the appointments of Donna Fraser and Rosalie Jarvis.

In June of 1990, the Commission implemented a revised tariff of fees for use where the Commission appoints a private practice lawyer. It will be reviewed again in the fall of 1991.

In August of 1990, the Commission staff stopped supplying 24 hour duty counsel pursuant to the Supreme Court decision in R. v. Brydges. At that time, the Commission entered into a contract with a private firm to supply the services. The private firm supplied adequate and competent service for the remainder of the fiscal year.

The Legal Aid Commission has never kept up to date in the area of computerization. Computerization of the legal aid system will be an expensive and onerous undertaking. The many statistical requirements of various cost sharing agreements and the diverse geographical locations of the offices will make any form of computerization expensive and time consuming. It is not realistic for the Commission to expect that the province should be able to fund such an undertaking. Accordingly, in the spring of 1990, the Commission applied to the Law Foundation for funding in the amount of $489,500 for this purpose. The Commission is pleased that the Law Foundation granted this request. The project is underway and will take some time to complete.

During this fiscal year, the Commission completed implementation of an Employee Assistance Plan jointly funded by CUPE, Local 1949 and the Legal Aid Commission. During this fiscal year, the Commission was able to implement a Deferred Salary Leave Plan for its employees. The Deferred Salary Leave Plan should serve to rejuvenate and invigorate the staff complement. Usage appears to be very high.

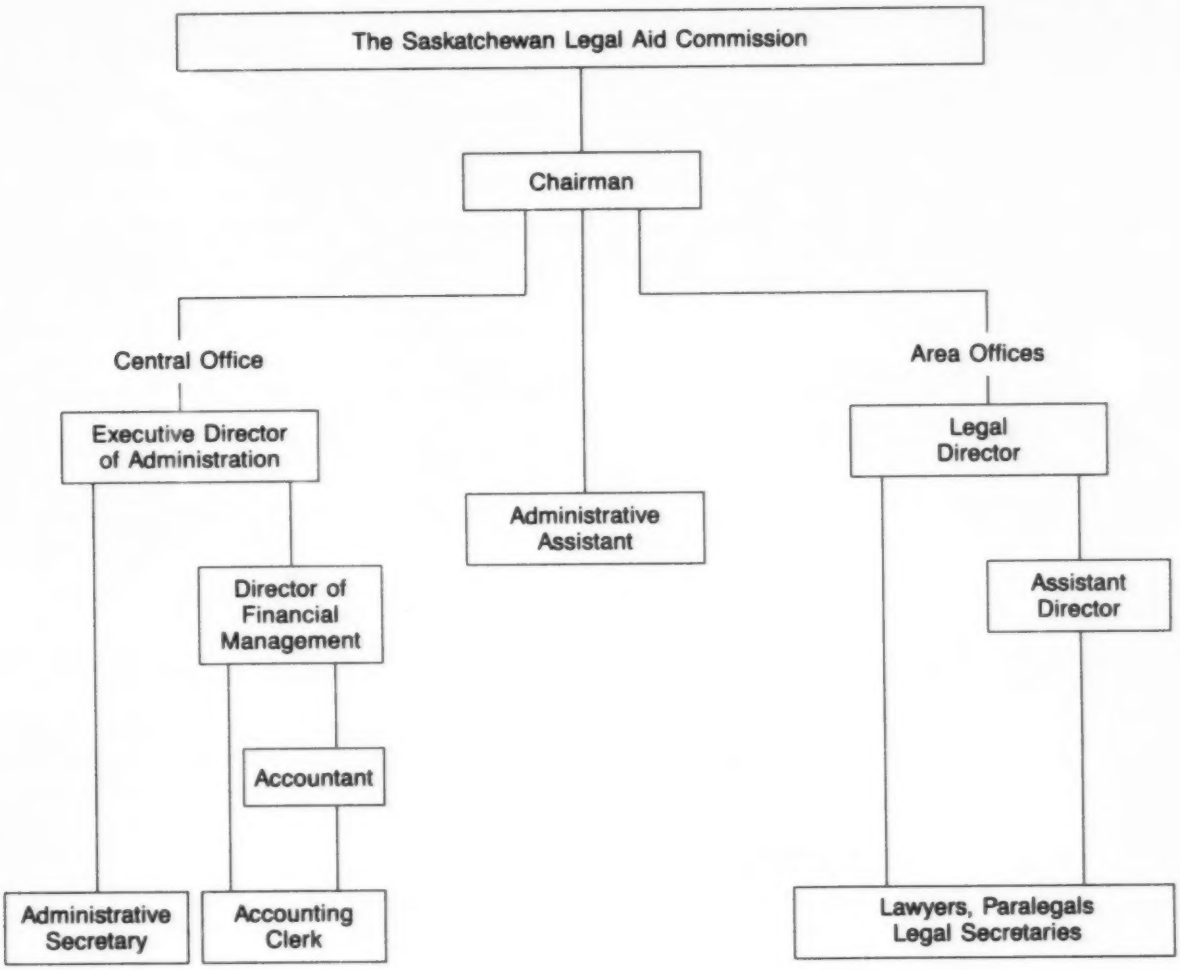
This Annual Report describes the 17th year of operation in Saskatchewan. The Commission recognizes and appreciates the contribution and dedication of its many long term employees. The Commission feels that the mandate and purposes of legal aid have been met and well served by all staff. Their contribution is acknowledged and appreciated.

Members of The Saskatchewan Legal Aid Commission 1990–91*

	Appointed by:
Donald R. MORGAN, Q.C., Saskatoon Chairman	Lieutenant Governor in Council
Melvin ANNAND, Melfort	Law Society of Saskatchewan
Jo-Ann BADLEY, Regina	Lieutenant Governor in Council
James BENNING, Regina	Minister of Justice (to September 7, 1990)
Robert BLACKWELL, Regina	Minister of Social Services
Donna FRASER, Saskatoon	Lieutenant Governor in Council (from March 20, 1991)
Rosalie JARVIS, North Battleford	Lieutenant Governor in Council (from March 20, 1991)
Freda KOOCHICUM, Balcarres	Lieutenant Governor in Council
Darlene NEUMAN, Yorkton	Lieutenant Governor in Council
Betty Ann POTTRUFF, Regina	Minister of Justice (from January 4, 1991)
Leslie PROSSER, Saskatoon	Attorney General of Canada
Robert RICHARDS, Regina	Minister of Justice (from September 7, 1990 to January 4, 1991)
Wilfrid TUCKER, Q.C., Saskatoon	Law Society of Saskatchewan
Paulette VAN DER LINDE, Regina	Lieutenant Governor in Council (to January 31, 1991)

* **The Legal Aid Act** provides for the appointment of eleven members—two members appointed by the Law Society of Saskatchewan, one member appointed by the Attorney General for Canada, six members appointed by the Lieutenant Governor in Council, one member who is an employee of the Department of Justice appointed by the Minister of Justice, and one member who is an employee of the Department of Social Services appointed by the Minister of Social Services.

Organizational Chart



Profile of The Saskatchewan Legal Aid Commission

Purpose

— " ... to provide legal services to persons and organizations in respect of civil and criminal matters where those persons and organizations are financially unable to secure those services from their own resources."

History

— The Saskatchewan Legal Aid Plan formally came into existence with the proclamation of *The Community Legal Services (Saskatchewan) Act* in August of 1974. This legislation was based on the report of the Carter Committee. In 1979, the Act was amended following the McClelland Report. In 1982/83, the MacPherson Report recommended further changes and on September 1, 1983, *The Legal Aid Act* was proclaimed. The Act was amended in 1989.

Delivery Model

— The Saskatchewan Plan uses a salaried staff delivery model for the majority of its applicants. In 1990/91 the Plan employed 55 lawyers, 17 paralegals and 48 administrative and support staff located in 14 area offices. The services of private practice lawyers may be used where a client is charged with an offence punishable by minimum life imprisonment or where the Commission feels it would be impossible or improper for an employee to provide service.

Legal Aid Services

Financial Eligibility

— An applicant is eligible for legal aid if:

a) the applicant receives income or other benefits from social assistance (ie, Saskatchewan Assistance Plan, Family Income Plan or Indian and Northern Affairs Canada);

b) the applicant is not receiving social assistance but would be entitled to because his financial resources are at social assistance levels (ie, the Family Income Plan Guidelines using a sliding scale based on family size). Prior to December 1988, some applicants were asked to contribute towards the costs of legal services;

c) the applicant's obtaining legal services *not* from legal aid would reduce his financial resources to the social assistance level. Prior to December 1988, some applicants were asked to contribute towards the costs of legal services.

Range of Services

—Legal services are provided to eligible applicants if the services required fall within the range of service *and* have professional merit. The Range of Services include:

1. Criminal Matters—a great many, but not all, legal services are provided.
2. Civil Law Matters—most legal services in civil law are restricted to Family Law.
3. In some areas of the province (such as the North), legal aid to meet special needs may be provided.
4. Summary advice and information may be provided to anyone about a wide range of matters if they involve no more than a brief interview or telephone call.

Appeal Process

— All persons making application for legal aid must qualify according to financial eligibility, range of service and professional merit guidelines. Applicants denied coverage are notified in writing of the refusal and of their right to appeal the decision to the Chairman of the Commission. In 1990, a Civil Appeals Committee was established to review decisions of the Chairman of the Commission with respect to financial eligibility for civil legal services.

Young Offenders Coverage

— Coverage is available for financially eligible applicants charged under the *Young Offenders Act*. The Commission also acts as agent for the Saskatchewan Minister of Justice when the Court orders the appointment of Counsel for a young offender.

Reciprocity Among Provinces

— Saskatchewan participates in a nationwide agreement among provinces and territories to ensure that eligible applicants with a civil legal problem originating outside of their province of residence have access to legal aid services.

Funding

— The Saskatchewan Legal Aid Commission is funded by the Provincial Government through Saskatchewan Social Services. By agreement, the Government of Canada reimburses the Province for a portion of legal aid expenditures on adult criminal matters, young offender matters and some civil matters. During 1990/91 the Province received $2,564,181 from the Government of Canada. Other sources of income for the Commission are investment and contractual revenue.

Legal Aid Area Offices

Central Office
#820–410 22nd Street East
Saskatoon, SK S7K 2H6
Donald R. Morgan Q.C., Chairman
Laura M. Lacoursiere, Director of Administration

The Battlefords Area Office
Main Floor, Provincial Building
1146–102nd Street
North Battleford, SK S9A 1E9
446–7700
Jack Hillson, Legal Director

Meadow Lake Area Office
Box 1630
119B–2nd Street East
Meadow Lake, SK S0M 1V0
236-4464
George Thurlow, Legal Director

Melfort Area Office
Box 6500
3rd Floor, 105 Crawford Avenue East
Melfort, SK S0E 1A0
752-6220
Barry Treacy, Legal Director

Moose Jaw Area Office
113–110 Ominica Street West
Moose Jaw, SK S6H 6V2
694-3700
Mervyn Shaw, Legal Director

Northern Area Office
Box 5000
Mistasinihk Place
1328 LaRonge Avenue
LaRonge, SK S0J 1L0
425-4455 1-800-667-4095
Robert McCann, Legal Director

Prince Albert Area Office
Box 3003
11th Floor, McIntosh Mall
800 Central Avenue
Prince Albert, SK S6V 6Z2
953-2850
James Crane, Legal Director

Regina City Area Office
2nd Floor, 1942 Hamilton Street
Regina, SK S4P 2C5
787-8760
Michael B. Ryan, Legal Director

Regina Rural Area Office
#3–281 Albert Street
Regina, SK S4R 2N5
787-1141
David Andrews, Legal Director

Regina Rural Area Office
(Sub Office)
Box 3003, 110 Souris Avenue
Weyburn, SK S4H 2Z9
848-2341

Saskatoon City Area Office
#210–728 Spadina Crescent East
Saskatoon, SK S7K 4H7
933-7820
Jane L. Lancaster, Legal Director

Saskatoon Rural Area Office
#203–220 3rd Avenue South
Saskatoon, SK S7K 1M1
933-7855
Betty Lou Huculak, Legal Director

South East Area Office
Box 326, 1314B 3rd Street
Estevan, SK S4A 2A4
634-0790
Barbara Tomkins, Legal Director

Swift Current Area Office
3rd Floor, 350 Cheadle Street West
Swift Current, SK S9H 4G3
778-8272
Leslie Cooper, Legal Director

Yorkton Area Office
41 Broadway West
Yorkton, SK S3N 0L6
786-1440
David Bright, Legal Director

Summary of Disposition of Appeals/Complaints Directed to the Office of the Chairman April 1, 1990 to March 31, 1991

There are four categories under which an applicant or client can appeal to the office of the Chairman:

i) Appeal against refusal—fiscal eligibility or financial resources.
ii) Appeal against refusal—range of services.
iii) Appeal against refusal or withdrawal of services—professional discretion
iv) Complaint about services received or about the professional conduct of a solicitor.

Conclusions are determined as follows:

i) The matter is discussed with applicant/client and solicitor. The matter is solved and settled in favour of the area office. In some instances, the client is given a "second chance" and another area office agrees to act or a private bar lawyer is appointed. In these instances the matter is unfounded.
ii) Rectified/Resolved—the matter is amended and corrected in favour of the client/applicant.
iii) Discontinued—the matter is discontinued by the client or applicant.

In 1990, Mr. Randy Katzman, a Saskatoon lawyer, was appointed Chairman of the Civil Appeals Committee. This Committee receives an appeal resulting from a decision of the Chairman of the Saskatchewan Legal Aid Commission with respect to an applicant's or client's financial eligibility to receive civil legal service or a requirement to pay a portion of the costs of legal services.

		PROFESSIONAL							
AREA OFFICE	FISCAL	RANGE	DISCRETION	COMPLAINT	TOTAL	UNFOUNDED	RECTIFIED	DISCONTINUED	TOTAL
Battlefords	17	2	3	1	23	14	6	3	23
Meadow Lake	5	–	–	2	7	3	4	–	7
Melfort	8	3	2	–	13	12	1	–	13
Moose Jaw	14	16	1	3	34	29	5	–	34
Northern	1	–	–	1	2	1	–	1	2
Prince Albert	4	1	9	2	16	15	1	–	16
Regina City	5	2	4	4	15	11	4	–	15
Regina Rural	–	–	1	2	3	3	–	–	3
Saskatoon City	68	53	15	8	144	117	22	5	144
Saskatoon Rural	12	2	3	1	18	10	8	–	18
South East	2	–	1	–	3	3	–	–	3
Swift Current	5	2	–	1	8	5	3	–	8
Yorkton	6	2	2	1	11	7	3	1	11
TOTALS	147	83	41	26	297	230	57	10	297

Included in the above totals are three appeals directed to the Civil Appeals Committee. Two service refusals were upheld and one was allowed.

Applications Received
April 1, 1990 to March 31, 1991

The majority of cases for which the Commission grants full service are for criminal matters (53.7%). This is followed by family matters (27.8%), and young offender matters (17.6%). The full service caseload increased by 5.2% compared to the previous year. It had increased by 17% between fiscal years 1988/90.

	FULL SERVICE					SUB TOTAL
Area Office	Adult Criminal	Young Offender	Family	Civil	Provincial Statutes	FULL SERVICE
Central	3	1	3	1	1	9
Battlefords	859	275	378	10	4	1526
Meadow Lake	564	186	141	8	16	915
Melfort	512	138	238	1	0	889
Moose Jaw	380	146	518	4	2	1050
Northern	1648	481	245	8	50	2432
Prince Albert	2224	490	971	13	2	3700
Regina City	1878	853	1309	11	1	4052
Regina Rural	740	232	400	15	42	1429
Saskatoon City	2062	849	1122	0	0	4033
Saskatoon Rural	353	84	467	8	4	916
South East	94	41	102	0	0	237
Swift Current	120	28	116	0	6	270
Yorkton	740	194	300	4	2	1240
TOTALS	12177	3998	6310	83	130	22698
Percentage of Applications Received	33.83	11.11	17.53	.23	.36	63.06
Percentage of Full Service Applications	53.65	17.61	27.80	.37	.57	100.00
TOTAL CASES COMPLETED	12788	3855	6408	215	129	23395
Percentage of Cases Completed	54.66	16.48	27.39	.92	.55	100.00

Duty Counsel Coverage

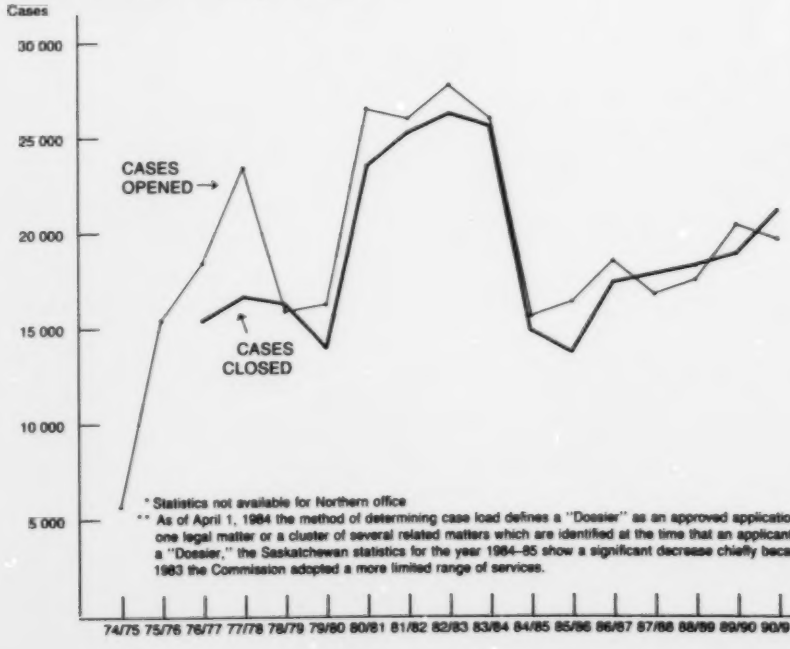
In February 1990, the Supreme Court of Canada rendered a Judgement in the case R. v. Brydges in which the Court has determined that an accused person has the right to immediate, although temporary advice from duty counsel, irrespective of financial status. The Commission provides "after regular hour" coverage through a private law firm. In the period April 1, 1990 to March 31, 1991, 3716 calls were handled.

Immigration Matters

Pursuant to an agreement between the Province and the Federal Department of Employment and Immigration, The Saskatchewan Legal Aid Commission provides for the services of designated counsel in relation to inquiries held to determine whether an eligible person is admissible to Canada, is eligible to have his claim to be a Convention Refugee determined by the Refugee Division and if eligible, whether there is a credible basis for a claim. In the period April 1, 1990 to March 31, 1991, 9 claimants were assisted.

SUMMARY ADVICE	REFUSED SERVICE			SUB TOTAL	TOTAL	TOTAL
	Financial	Range of Services	Professional Merit	TOTAL REFUSED	APPLICATIONS RECEIVED	CASES COMPLETED
0	0	0	0	0	9	0
89	60	11	3	74	1689	1626
901	63	17	7	87	1903	980
269	37	9	4	50	1208	951
966	44	35	11	90	2106	994
810	33	6	15	54	3296	2368
191	38	2	3	43	3934	3881
3152	179	1	12	192	7396	4124
422	26	1	0	27	1878	1679
2917	222	252	416	890	7840	3663
602	41	6	3	50	1568	1277
304	36	13	5	54	595	261
251	15	1	0	16	537	302
739	41	13	4	58	2037	1289
11613	835	367	483	1685	35996	23395
32.26	2.32	1.02	1.34	4.68	100.00	

Case Statistics for Legal Aid Staff



	OPENED	CLOSED
1974/75	5172*	Not Available
75/76	15546	Not Available
76/77	18478	15359
77/78	23245	16755
78/79	15904*	16177
79/80	16250*	14313
80/81	27204	23912
81/82	26167	26066
82/83	28314	26400
83/84	25946	25086
84/85	16767**	15301
85/86	17385	14469
86/87	19659	18274
87/88	17681	Not Available
88/89	18432	19230
89/90	21569	21169
90/91	22698	23395

* Statistics not available for Northern office

** As of April 1, 1984 the method of determining case load defines a "Dossier" as an approved application for which a file has been opened. The "Dossier" consists of one legal matter or a cluster of several related matters which are identified at the time that an applicant seeks legal aid services. In following the national definition of a "Dossier," the Saskatchewan statistics for the year 1984–85 show a significant decrease chiefly because of the change in definition but also because on October 1, 1983 the Commission adopted a more limited range of services.

Reciprocity
April 1, 1990 to March 31, 1991

The Saskatchewan Legal Aid Commission participates in a nationwide agreement to ensure that eligible applicants with a civil problem originating outside of their province of residence have access to legal aid services.

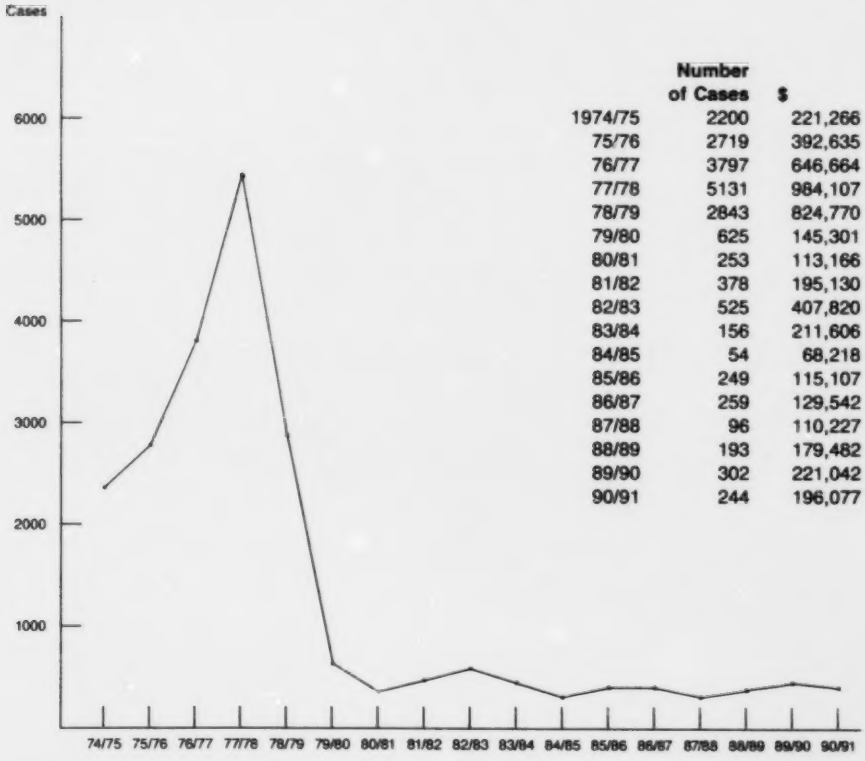
PROVINCE/TERRITORY	APPLICATIONS SENT TO OTHER PROVINCES/TERRITORIES	APPLICATIONS RECEIVED FROM OTHER PROVINCES/TERRITORIES
Alberta	35	63
British Columbia	40	65
Manitoba	42	20
New Brunswick	0	3
Newfoundland	0	0
Northwest Territories	2	0
Nova Scotia	1	1
Ontario	22	24
Prince Edward Island	0	0
Quebec	7	14
Yukon	0	0
TOTALS	149	190

Cases Completed by the Private Bar
April 1, 1990 to March 31, 1991

The delivery of legal aid in Saskatchewan is supplemented by the participation of private bar members. Participation by practitioners is voluntary. Counsel who indicate a desire to perform legal aid work are placed on a panel list.

Private bar appointments are authorized where a client is charged with an offence under the *Criminal Code* or any other Act of the Parliament of Canada, punishable by a minimum sentence of life imprisonment and the client selects any qualified member of the private bar.

Appointments may also be authorized where an area office has a conflict of interest or where it may be impossible or improper to act for a client.



	Number of Cases	$
1974/75	2200	221,266
75/76	2719	392,635
76/77	3797	646,664
77/78	5131	984,107
78/79	2843	824,770
79/80	625	145,301
80/81	253	113,166
81/82	378	195,130
82/83	525	407,820
83/84	156	211,606
84/85	54	68,218
85/86	249	115,107
86/87	259	129,542
87/88	96	110,227
88/89	193	179,482
89/90	302	221,042
90/91	244	196,077

Auditor's Report

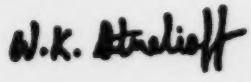
To the Members of the Legislative Assembly
of Saskatchewan

I have audited the balance sheet of The Saskatchewan Legal Aid Commission as at March 31, 1991 and the statement of revenue, expenditure and operating surplus for the year then ended. These financial statements are the responsibility of the Commission's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 1991 and the results of its operations and the changes in its financial position for the year then ended in accordance with the accounting principles disclosed in Note 1 to the financial statements.

Regina, Saskatchewan
May 17, 1991



W.K. Strelioff, C.A.
Provincial Auditor

The Saskatchewan Legal Aid Commission
Balance Sheet
as at March 31

	1991	1990
ASSETS		
Current		
Cash	$ 124,781	$ 312,482
Accounts receivable	76,355	42,392
Prepaid expense	66,281	63,190
Total current assets	267,417	418,064
Fixed—at cost (Note 1)		
Furniture and equipment	399,619	399,977
Library	737,255	727,019
Total fixed assets	1,136,874	1,126,996
	$1,404,291	$1,545,060
LIABILITIES AND EQUITY		
Current		
Accounts payable and accrued liabilities	$ 247,880	$ 366,385
Equity		
Equity in fixed assets	1,136,874	1,126,996
Operating surplus	19,537	51,679
Total equity	1,156,411	1,178,675
	$1,404,291	$1,545,060

(See accompanying notes to the financial statements)

The Saskatchewan Legal Aid Commission
Statement of Revenue, Expenditure and Operating Surplus
Year Ended March 31

	1991	1990
Revenue:		
Consolidated Fund appropriation	$6,826,500	$6,624,100
Contractual revenue	209,164	192,685
Other	185,318	135,218
	7,220,982	6,952,003
Expenditure:		
Salaries and employee benefits	5,610,718	5,318,585
Administrative and operating expenses (Schedule 1)	962,651	1,091,113
Provision of legal services	237,851	221,042
Other legal expenses	102,100	90,546
Travel	258,608	228,164
Library and equipment purchases	81,196	58,785
	7,253,124	7,008,235
(Deficiency) excess of revenue over expenditure	(32,142)	(56,232)
Operating surplus, beginning of year	51,679	107,911
Operating surplus, end of year	$ 19,537	$ 51,679

(See accompanying notes to the financial statements)

The Saskatchewan Legal Aid Commission
Notes to the Financial Statements
March 31, 1991

The Legal Aid Act came into force on September 1, 1983 by Order in Council 1275/83 and continued The Saskatchewan Community Legal Services Commission as a body corporate under the name of The Saskatchewan Legal Aid Commission. The purpose of the Commission is to provide legal services in criminal and civil proceedings or matters to persons and organizations financially unable to secure those services from their own resources.

1. **Significant Accounting Policies**

   These financial statements have been prepared on the accrual basis of accounting and include the following significant accounting policy:

   Fixed Assets and Equity in Fixed Assets

   Expenditures for fixed assets appear in the statement of revenue, expenditure and operating surplus. To maintain accountability for fixed assets using fund accounting they are recorded in the balance sheet as assets with a corresponding entry to "Equity in Fixed Assets." Because fixed asset purchases are included in the statement of revenue, expenditure and operating surplus, no provision has been made for depreciation of the fixed assets.

   At the time of disposal or retirement, the costs of assets disposed or retired are removed from the fixed asset accounts. A corresponding amount is removed from "Equity in Fixed Assets."

2. **Revenues**

   The following are included in revenue:

   a) sums required for the purpose of the Commission as appropriated by the Legislature and received by the Commission less any unexpended funds remaining from the legislative appropriation for a fiscal year unless otherwise authorized by Treasury Board;

   b) compensation pursuant to a contractual agreement with the Department of Indian Affairs and Northern Development for cost sharing of civil clients of native ancestry.

3. **Pension Plan**

   The Commission participates in a defined contribution pension plan for the benefit of its employees. The Commission's financial obligation to the plan is limited to making regular payments to match the amounts contributed by the employees for current service. The Commission's annual pension expense for 1991 amounted to $166,168 (1990–$157,689).

4. **Related Party Transactions**

   Related parties to the Commission are Saskatchewan's Crown controlled departments, agencies and corporations. Transactions with these parties are recorded at normal market prices except as described herein.

5. **Leased Accommodation**

   Accommodation charges are paid to the Saskatchewan Property Management Corporation (a related party) at a level determined by that corporation. The Commission's annual accommodation charges for 1991 amounted to $420,283 (1990–$571,562).

Schedule 1

The Saskatchewan Legal Aid Commission
Schedule of Administrative and Operating Expenses
Year Ended March 31

	1991	1990
Leased accommodation (Note 5)	$ 420,283	$ 571,562
Telephone	209,363	211,329
Postage	34,179	34,714
Stationery and office supplies	46,757	48,280
Periodicals	94,772	88,723
Photocopying	32,848	27,177
Other operating expenses	124,449	109,328
Total Administrative and Operating Expenses (Statement 2)	$ 962,651	$1,091,113

(See accompanying notes to the financial statements)